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Paper No. 8

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OFFICE OF PETITIONS

In re Application of
James D. Ralph et al
Application No. 09/002,535
Filed: January 2, 1998
Attorney Docket No. F-146A

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).


The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

The associate power of attorney filed concurrently with the petition on October 8, 2003 is not acceptable and will not be entered since the attorney of record (Joseph P. Errico) status is showing inactive.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

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Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy